

U.S. DISTRICT COURT of the STATE OF NEW YORK  
COUNTY OF SOUTHERN-NY

(S)  
N  
Index # 07 CIV 7223  
Date Index # Filed 08/14/07

Plaintiff(s)

ALBERTO FELIX PAULINO

- against -

AFFIDAVIT

Defendant(s)

THE CITY OF NEW YORK, ET AL.,

Sobel, Ross, Fliegel, Et  
150 Broadway, #1206  
New York, NY 10038

Court Date:

Your File No:

Our Rec. No: 266966

STATE OF NEW YORK: COUNTY OF NASSAU: ss:

ROBERT WINCKELMANN LIC#0971194, being duly sworn deposes and says deponent is not a party to this action and is over the age of eighteen and resides in the State of New York.

That on 09/01/07 at 4:00PM at:

C/O 48TH PRECINCT, 450 CROSS BRONX EXPWY  
BRONX, NY 10457

deponent served the within SUMMONS IN A CIVIL ACTION AND COMPLAINT on LIEUTENANT "JOHN" BROUGHTON recipient therein named.

Service was made in the following manner after your deponent was unable with due dilligence to serve the recipient in person:

By delivering a true copy thereof to and leaving with "MR. SMITH"\*\*-DESK SARGEANT a person of suitable age and discretion at 450 CROSS BRONX EXPRESSWAY, BRONX, NY the said premises being the recipient's place of business within the State of New York.

A description of the recipient or other person served on behalf of the recipient is as follows:

Approximate Age: 42      Approximate Weight: 200      Approximate Height: 5'11

Color of Skin: WHITE      Color of Hair: BROWN      Sex: MALE

\*\*\*REFUSED NAME\*\*\*

Spoke w/ "MR. SMITH"\*\*-DESK SARGEANT on 09/01/07 who confirmed his/her nonmilitary status.

Deponent also mailed a copy(ies) of same post paid by first class mail properly addressed to defendant(s) at the aforementioned address in an envelope marked 'personal & confidential' and not indicating that the communication was from an attorney or concerned an action against the defendant(s) and deposited said envelope in a post office depository under exclusive care and custody of the United States Postal Service within New York State on 09/05/07.

Deponent asked the person spoken to whether the defendant was presently in the military service of the United States Government or on active duty in the military service in the State of New York and was informed he was not. Your deponent further says that he knew the person so served to be the person mentioned and described in said legal papers as defendant/respondent therein. Your deponent is over the age of 18 years and is not a party to this action.

Sworn to before me this date 09/05/07

Bruce J Smilowitz #01SM4965926

Notary Public, State of New York

Nassau County, Commission Expires 04/30/2010

ROBERT WINCKELMANN LIC#09711